

REMARKS

The above-referenced application has been reviewed in light of the Office Action mailed December 5, 2005. By the present amendment, the Applicant has amended claims 1 and 11, and cancelled claims 8 and 9. It is respectfully submitted that the claims presently pending in the application, namely claims 1-5, 7, and 11-16, do not introduce new subject matter, are fully supported by the application and are patentable over the prior art. Prompt and favorable consideration of these claims is earnestly sought.

In the Office Action, claims 1-4, 7-8, and 11-15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,250,950 to Scherrer, et al. (hereinafter, "Scherrer"). Scherrer discloses a vehicle, shown to be generally polyhedron in shape and of a substantially delta-shaped configuration and includes a fuselage 12 having a cockpit region 14 with an appropriate windshield 16. The fuselage structurally supports a pair of wings 18 and 20 which extend generally outwardly therefrom, preferably with a slight dihedral, substantially as shown in FIG. 3, the outer edges of the pair of wings are embodied in leading edges 48 and 50.

Scherrer does not disclose a vehicle having both a main wing and a nose wing. Nor does Scherrer disclose the combination of nose and main wings on different levels, the outer edge of each wing forming part of said first and second outer edge sections, respectively, and there is no teaching or suggestion for such a combination. More particularly, Scherrer does not disclose a craft having an outer edge "characterized in that the outer edge is divided into at least a first outer edge section formed by a main wing and a second outer edge section formed by a nose wing, which first and second outer edge sections extend along respective essentially parallel planes, at least one part of the first outer edge section and one part of the second outer edge section forming part of an outer periphery edge of the craft, and that a first point of the first outer

edge section is connected to a second point of the second outer section via a fold arranged in the exterior of the craft, said points being located on mutually different levels,” as recited in amended claim 1, nor does Scherrer disclose a stealth craft having “a plurality of surfaces disposed on an external surface of the stealth craft wherein at least one surface is oriented towards at least one other surface thereby forming at least one outer edge, the at least one outer edge including first outer edge section formed by a main wing and second outer edge section formed by a nose wing,” as recited in claim 11. Therefore, it is respectfully submitted that claims 1 and 11, as amended, are not disclosed or fairly suggested by Scherrer, and are in condition for allowance. Since claims 2-4 depend from claim 1, and claims 10-15 depend from claim 11, it is respectfully submitted that claims 2-4 and 10-15 are also in condition for allowance.

In the Office Action, claims 1-5, 7-9, and 11-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Scherrer. The Office Action stated that since the entire aircraft is a blended wing and body aircraft, it should be appreciated that the nose section of Scherrer creates lift and can therefore be viewed as a wing. The Office Action further stated that lines A, B, and C, each form acute angles and are part of the nose and the traditional wings of the aircraft. As discussed above, Scherrer does not disclose or suggest a vehicle having both a main wing and a nose wing. Nor does Scherrer disclose the combination of nose and main wings on different levels, the outer edge of each wing forming part of said first and second outer edge sections, respectively. Therefore, it is respectfully submitted that claims 1 and 11, as amended, are not disclosed or fairly suggested by Scherrer, and are in condition for allowance. Since claims 2-5 and 7 depend from claim 1, and claims 12-16 depend from claim 11, it is respectfully submitted that claims 2-5, 7, and 12-16, are also in condition for allowance.

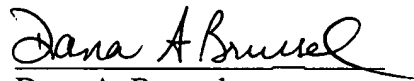
Appl. Serial No. 10/511,650
Amendment dated March 6, 2006
Reply to Office Action mailed December 5, 2005

In the Office Action the Examiner further rejected claims 1-5, 7-9 and 11-16 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Specifically the Office Action asserted that it could not determine what all is meant by and encompassed by the phrases "plane" and "some of these," and the claim including the phrase "as seen" is an impermissible omnibus claim. Furthermore, the Office Action stated that a fold cannot be "in an exterior of the aircraft," but must rather be "on" or "exterior to" the aircraft not "in an exterior portion". Applicant has amended the claims to overcome the Office Action's rejections, including replacing the phrases "plane" with "planar," and "some of these" with "two of the," and deleting all of the references in the claims to the figures. Therefore, it is respectfully submitted that the rejections of the Office Action have been overcome and claims 1-5, 7, and 11-16 are now in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at (631) 501-5713.

Respectfully submitted,

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road - Suite 225
Melville, New York 11747
Tel.: (631) 501-5713
Fax: (631) 501-3526


Dana A. Brussel
Reg. No. 45,717
Attorney for Applicant